

### **REMARKS**

In the non-final Office Action mailed July 24, 2008, claims 1-10, and 13-24 were rejected. Claims 11 and 12 were previously canceled, without prejudice. In response, Applicant hereby requests reconsideration of the application in view of the below-provided remarks. No claims are canceled or amended.

This response is timely filed, as it is accompanied by a petition for one-month extension of time and the requisite petition fee.

The issues raised in the outstanding official action are addressed below in the order raised in the action.

#### **(A) Claim Rejections under 35 U.S.C. §103(a)**

Claims 1-3, 9, 10, and 20-24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Levitt (US 4,879,749) in view of Madaffari (US 2002/0090102). Applicant respectfully traverses this rejection.

#### **Independent claim 1**

Independent claim 1 recites, *inter alia*, a hybrid circuit has a portion in a transducer housing and a removable portion external to the transducer housing, wherein the hybrid circuit comprises a first input, a filter network, an output circuit, a tuner, and a controller. The removable portion of the hybrid circuit is removed after the characteristic of the filter network is changed and the transducer housing is acoustically sealed (emphasis added)

The action concedes that Levitt does not disclose a removable portion being removed after the characteristic of the filter network is changed (action, page 5, lines 3 and 4). Nonetheless, the action rejects independent claim 1, contending that Levitt discloses a removable portion used to program the characteristic of the filter (action, page 5, lines 5 and 6). The action also contends that Levitt discloses a hearing aid that includes a microphone as well as a programmable amplifier and filter, and the hearing aid serves as a microphone housing (action, page 2, last paragraph). These contentions are respectfully traversed.

Levitt describes a hearing aid for use by hearing impaired person (Col. 4, ll. 65-68 and col. 5, ll. 1-11).

Contrary to claim 1, Levitt does not teach or suggest a transducer housing and a hybrid circuit in the transducer housing. For example, the FIG. 2 of Levitt illustrates the hearing aid that contains a microphone 57 and the circuit parts: automatic gain control (AGC) 58, a hearing aid amplifier 60, a hearing aid filter 63, a hearing aid programmable filter 64, and an EEPROM 84 (Col. 3, ll. 39-41 and Col. 11, ll. 41 and 42, and ll. 48-52). None of these circuit parts are fitted in the housing of the microphone 57. In fact, Levitt does not disclose the microphone housing at all. Therefore, Levitt cannot be said to teach or suggest the subject matter of claim 1.

Levitt has many additional deficiencies. For example, Levitt does not teach or suggest a hybrid circuit having a removable portion external to the transducer housing. The action has identified as a programming slot 124 (action, page 4, point 4, lines 10 and 11) as corresponding to the recited removable portion of claim 1. Levitt merely describes a host controller 20 that includes a programming slot 124 (Col. 8, ll. 8 and 29). This programming slot 124 or the host controller 20 is not part of the hearing aid circuit at all. In fact, the host controller 20 is a bus interface that forms as part of a computer adapted to connect the computer to the hearing aid for reducing acoustic feedback (FIG. 1 and Col. 8, ll. 25-29). There is no teaching by Levitt that the host controller circuit and the hearing aid circuit are on the same circuit board. Therefore, Levitt cannot be said to teach or suggest that a microphone hybrid circuit having a removable portion. It would be necessary for Levitt to describe one part of the circuit as being partially enclosed in the microphone housing and the remaining part of the circuit being the removal portion external to the microphone housing for it to teach or suggest these limitations of claim 1. For these reasons alone, the rejection based on Levitt is improper and should be withdrawn.

The action concedes that Levitt does not disclose a housing having an acoustic seal and wherein the housing is acoustically sealed upon and by the removal of the removable portion (action, page 5, lines 10 and 11). However, the action contends that Madaffari discloses a housing having an acoustic seal (action 5, page 12). This contention is respectfully traversed.

Madaffari is cited for teaching a cover 40 acoustically sealed to a printed circuit board (PCB) 16 by an epoxy (Para. [0015], lines 13-16). Madaffari does not teach the housing is acoustically sealed upon and by the removal of the removable portion. In FIG. 1 of Madaffari, the epoxy holds the cover 40 and the PCB 16 together. If a portion of the PCB 16 is removed from the cover 40, the entire microphone 100 will fall apart and therefore the cover 40 and PCB 16 are no longer sealed. By way of contrast, the housing in claim 1 is acoustically sealed upon and by removal of the removable portion. Therefore Madaffari cannot be said to teach or disclose a removable portion of any kind and the housing is acoustically sealed upon and by removal of the removable portion of claim 1.

In summation, neither Levitt nor Madaffari discloses the subject matter of claim 1. For the foregoing reasons, claim 1 is allowable, as are all claims depending from claim 1.

### **Independent claim 20**

Independent claim 20 recites, *inter alia*, a transducer assembly has a housing and a substrate, wherein a first portion of the substrate is inside the housing and a second portion of the substrate attached to the first portion is outside the housing. Claim 20 further recites, *inter alia*, a housing comprises a first molded piece having an acoustic port and a second molded piece coupled to the first molded piece (emphasis added).

The action concedes that Levitt does not disclose a second portion attached to a first portion (action, page 7, line 1). Nonetheless, the action rejects independent claim 20, contending that Levitt discloses a second portion removably attached to the first portion (action, page 7, lines 2 and 3). Furthermore, the action concedes that Levitt does not disclose a housing comprising a first molded piece having an acoustic port and a second molded piece coupled to the first molded piece (action, page 7, lines 7 and 8). However, the action contends that Madaffari discloses these elements (action 7, page 9-11). These contentions are respectfully traversed.

Applicant has already established above that, contrary to statements in the action, neither Levitt nor Madaffari teaches or suggests at least the aforementioned features of independent claim 20.

Levitt describes two separate circuits, wherein the first circuit is in a host controller 20 and a second circuit is in a hearing aid (FIGs. 1 and 2). Levitt nowhere describes that the first and second circuits are formed on a same circuit. Further Levitt does not teach or suggest that the first and second circuits are attached together. Levitt does not teach or suggest that any part of the first and second circuits are contained in the transducer housing and the remaining part of the first and second circuits extending outside the transducer housing. Therefore, Levitt cannot be said to teach or suggest the subject matter of claim 1.

Madaffari is cited for teaching a molded piece (cover) 40 of a microphone mechanically clamped to a printed circuit board 50 (FIG. 2, Para. [0015], lines 16-18). Madaffari does not teach or suggest a housing includes a second molded piece. The action has identified as a diaphragm circular frame 42 (action, page 7, lines 9-11) as corresponding to the second molded piece of claim 1. Levitt merely describes the diaphragm circular frame 42 inside the cover 40 and the cover 40 is a single housing (FIGs. 1 and 2). Therefore, Madaffari cannot be said to teach or suggest the subject matter of claim 1.

Thus, no combination of Levitt and Madaffari can be said to teach the recited subject matter in independent claim 1. Absent a teaching this claimed element assertion combination (Levitt and Madaffari) cannot anticipate claim 20 of the present invention, nor the claims depending therefrom.

### **Independent claim 13**

Claims 13, 15, and 17 are rejected under 35 U.S.C. §103(a) based on Levitt in combination with Madaffari and Sasaki (US 6,294,439). Applicant respectfully traverses this rejection.

Independent claim 13 recites, inter alia, a buffer circuit in an acoustically sealed transducer housing, wherein a portion of the buffer circuit accessible from outside the transducer housing, is used for transmitting the signal, and is removed along one of a scoring and a line of weakness on a substrate carrying the buffer circuit. (emphasis added).

The action concedes that Levitt does not disclose assembly the buffer circuit in an acoustically sealed housing and wherein removing the portion of the buffer circuit along one of a scoring and line of weakness on a substrate carrying the buffer circuit (action, page 10, lines 17-19). Furthermore, the action concedes that Levitt in combination with Madaffari do not disclose the removing recitation in claim 13 (action, page 11, lines 4-6). Nonetheless, the action rejects independent claim 13, contending that Madaffari disclose assembly recitation and Sasaki disclose one of a scoring and line of weakness on a substrate carrying a circuit (action, page 10, lines 20 and 21, and page 11, lines 7 and 8).

Applicant has already established above that, contrary to statements in the action, neither Levitt nor Madaffari teaches or suggests assembly recitation and removing recitation.

Sasaki is cited for teaching a wafer with dicing lines or chip partings lines and a plurality of individual semiconductor elements are formed after the wafer is diced (FIG. 9 and abstract). However, Sasaki does not establish that the wafer carries a buffer circuit of any kind and does not establish that any part of the wafer is used in transmitting the signal. Thus, no combination of Levitt, Madaffari, and Sasaki can be said to teach the recited subject matter in independent claim 13 and claims 15 and 17.

For these reasons alone, claims 13 and the claims depending therefrom are allowable.

**(B) Conclusion**

A prompt indication of allowability of claims -10, and 13-24 is solicited.

Should the examiner wish to discuss the foregoing, or any matter of form in effort to advance this application toward allowance; he is urged to telephone the undersigned at the indicated number.

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Respectfully submitted,

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